

Advisory/ Area Plan Commission

Description

The fundamental duty of a plan commission is to develop a plan for the community's future and offer its recommendations to the governing legislative body. Plan commissions also have other standard duties of making recommendations regarding ordinances, zoning, and other development regulations. First, however, by State Law, any governmental unit (town, city, county) wanting to practice any form of planning or zoning must establish an advisory or area plan commission. Laws governing the formation and duties of the two types of plan commissions are different. However, as part of each plan commission formation process, the jurisdiction boundaries must be filed with the county recorder.

Advisory Plan Commission

Advisory plan commissions typically serve individual counties, cities, or towns; however, county advisory plan commissions can also be designated as municipal plan commissions. In Indiana, municipalities are empowered to plan for an area up to two miles outside the corporate boundaries (only in cases where the county does not have a plan commission). In counties with no comprehensive plan, municipal plan commissions may assume this authority from the county. In a county with a comprehensive plan, the municipal plan commission must request this authority from the county legislative body (i.e. the county board of commissioners). The county must adopt an additional ordinance granting this authority to the city or town. When a municipal plan commission assumes extraterritorial jurisdiction, it must file with the county recorder a map and description of the territory outside of the boundaries involved. (Indiana Citizen Planner's Guide: Part 1)

Area Plan Commission

Area plan commissions are joint ventures between a county and one or more municipality within the county. One commission serves the county and all municipalities that choose to participate. The area plan commission is a unit of county government, staffed by an executive director and any other employees included in the annual budget. Area jurisdictions are permitted and encouraged to adopt unified plans and ordinances. In this case, a single comprehensive plan, a single zoning ordinance, and a single subdivision control ordinance can apply to the county and to all participating municipalities. In a county having an area plan commission, a city or town that does not participate in the area commission may create an advisory plan commission but cannot exercise planning authority outside the corporate limits of the municipality. The advisory plan commissions would have authority for planning within the city or town. (Indiana Citizen Planner's Guide: Part 1)

Membership

The membership of a Plan Commission is determined by state code (see IC 36-7-4-207 to 210 for exact numbers and membership requirements). The size of the commission varies between the type of plan commission (advisory or area). Members may also be of two types: appointed or ex officio. Citizen members are those who do not hold any elected or appointed office in municipal, county, or state government. They may be asked to serve on the board because of their special interests or awareness within the community relating to issues such as social, economic, or physical development. The appointed members are those who have some special knowledge interest such as the city engineer, county surveyor, or a county commissioner.

Membership terms are also limited by party affiliation with participation divided equally between parties. Members serve four year terms unless the membership is an appointed government position whereby the term will be terminated when that person leaves his/her office. Memberships are not "at will" appointments. Plan commissioners cannot be removed without legal cause. It is very important to follow correct procedures when appointing and forming the commission because if not correctly followed, courts can overturn decisions that are made by the illegally formed body.

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In addition to appointing members, a plan commission must also elect officers (president and vice president). These officers preside over each meeting to guide discussion and rulings. The commission may also appoint a secretary, but this person does not have to be a member of the commission. He/she is often an employee of another municipal department or part of the plan commission staff.

Administration

There are certain tasks that a Plan Commission must complete by Indiana State Law in order to be able to carry out its functions:

- Adopt rules of procedure
- Keep complete records of proceedings
- Create and adopt a seal
- Maintain files and records
- Certify all official decisions

The plan commission staff (if applicable) handles most of the administrative tasks such as preparing agendas, minutes, and maintaining files. These technical/ support functions are often accomplished by personnel from other municipal departments such as city engineering, utilities, etc. If the commission has no staff, it is necessary to defer the day-to-day functions and responsibilities to another reliable municipal department. In any case, pertinent files, maps, and other documents must be available at any time in suitable offices or meeting places for the public to view and use.

For information regarding how to run a meeting, make decisions, or accept applications, see the Common Rules of Procedure Tool.

Relevant Statutes

- IC-36-7-4-100 Applicability and Rules of Construction
- IC-36-7-4-200 Establishment and Membership of a Plan Commission
- IC-36-7-4-300 Organization of Commission
- IC-36-7-4-400 Duties and Powers of Commission

Capacity Recommendations

This is a key step in expanding the planning capacity of any community. Without a Plan Commission, zoning cannot be implemented legally.

Guidelines / Considerations for Implementation

- Must be formed under fair conditions (political affiliations).
- Citizen members should have background or special interest in community affairs.
- By design, most plan commission members are lay people tasked with making technically complex decisions. Local governments should provide both initial and periodic training about how to be a effective plan commissioner and regarding other issues that face the commission.
- Communities must be careful to follow the statutory rules established for the formation and administration of a plan commission. Failing to do so can jeopardize the legality of decisions made by the plan commission and the legislative body.

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Example Ordinances

- **Allen County, Indiana– Establishing a Plan Commission:** This ordinance establishes the plan commission for Allen County, Indiana. Allen County Ordinance [\[http://www.lib.ipfw.edu/2294.0.html\]](http://www.lib.ipfw.edu/2294.0.html)
- **Bloomington, Indiana – Establishing a Plan Commission:** This ordinance establishes a plan commission for the city of Bloomington, Indiana. Bloomington Ordinance [\[http://www.bloomington.in.gov/code/_DATA/TITLE20/Chapter_20_03_ADMINISTRATIVE_AND_D/20_03_03_00_PLAN_COMMISSION_.html\]](http://www.bloomington.in.gov/code/_DATA/TITLE20/Chapter_20_03_ADMINISTRATIVE_AND_D/20_03_03_00_PLAN_COMMISSION_.html)
- **Madison County, Indiana – Plan Commission Rules and Procedures:** This ordinance establishes a plan commission for Madison County, Indiana as well as rules and procedures for meetings and the everyday practices. Madison County Ordinance [\[http://www.mcplanning.net/pdf/ordinance/mcpc_rules_and_procedures.pdf\]](http://www.mcplanning.net/pdf/ordinance/mcpc_rules_and_procedures.pdf)

Example Studies

No example studies are available for this tool.

Helpful References and Links

- **Indiana Citizen Planner’s Guide – Part 1: Plan Commission Basics:** This important resource published by the Indiana Planning Association describes what plan commissions do, how they are organized, how to run a meeting, how to make decisions, and how to deal with conflicts of interest. [\[http://www.indianaplanning.org/Citizen/1_PlanCommissionBasics_2005.pdf\]](http://www.indianaplanning.org/Citizen/1_PlanCommissionBasics_2005.pdf)
- **Plan Commission and Public Hearings – A Citizen’s Guide:** This resource, created by Purdue University Cooperation Extension Service, describes the basics of plan commission duties and how the local planning process is organized. [\[http://www.ces.purdue.edu/extmedia/ID/ID-224.html\]](http://www.ces.purdue.edu/extmedia/ID/ID-224.html)
- **Center for Urban Policy and the Environment – County and Municipal Cooperation in Indiana:** This report outlines the existing plan commissions in central Indiana and how they operate within each county/municipality. [\[http://www.urbancenter.iupui.edu/PubResources/pdf/66_01-C07_trad_plan_prevalis.pdf.pdf\]](http://www.urbancenter.iupui.edu/PubResources/pdf/66_01-C07_trad_plan_prevalis.pdf.pdf)

Helpful Contacts

- **Center for Urban Policy and the Environment** – As part of the School of Public and Environmental Affairs at IUPUI, this organization can assist in a variety of planning related matters.

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<http://www.urbancenter.iupui.edu/AboutTheCenter/>

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- **Purdue Cooperative Extension Service:** Community Development Division
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Other Possible Funding Sources

No other funding sources have been identified for this tool.

Program Objectives and Issues Addressed

- General planning
- Building planning capacity
- Vision or direction of future growth
- Regulatory issues
- Code enforcement
- Annexation
- Comprehensive planning
- Zoning ordinances
- Subdivision control
- Development plan approval
- Environmental protection
- Tax policies
- Neighborhood revitalization
- Protection/ Improvement of public right of way

See Also

- Common Rules of Procedure
- Board of Zoning Appeals (BZA)